

DEPARTMENT OF EDUCATION  
STATE BOARD OF EDUCATION  
SPECIAL EDUCATION PROGRAMS AND SERVICES

Filed with the Secretary of State on  
These rules take effect on

(By authority conferred on the state board of education by sections 1701 and 1703 of 1976 PA 451, MCL 380.1701 and 380.1703)

R 340.1746, R 340.1756, R 340.1757, R 340.1781, R 340.1782, R 340.1783a, R 340.1786, R 340.1787, R 340.1788, R 340.1799, R 340.1799a, and R 340.1831 of the Michigan Administrative Code are amended; and R 340.1726, R 340.1726a, R 340.1726b, R 340.1726c, R 340.1726d, and R 340.1799g are added to the Code as follows:

August 6, 2004

**PART 2.**  
**EVALUATION, ELIGIBILITY, STUDENT ASSIGNMENT,**  
**AND DUE PROCESS PROCEDURES**

**R 340.1726 State due process hearing; effective date.**

**Rule 26.** All requests for a due process or state level review filed or remanded for administrative hearing by a court of competent jurisdiction after July 1, 2006, shall be conducted under Rules 340.1726 to 1726d.

**R 340.1726a State due process hearing; procedures.**

**Rule 26a. (1)** Due process hearings under this rule shall be administered and provided by an independent special education hearings unit within the department. The unit shall function independently from the department except for ministerial appointing authority, procurement, budgeting, and related management activities.

**(2)** A parent, a public agency, or the department may initiate a hearing by filing a written request for hearing to the special education hearings unit and providing a copy of the written request for hearing to the other parties.

**(3)** A hearing may be initiated on any of the following:

- (a)** Identification.
- (b)** Evaluation.
- (c)** Educational placement.
- (d)** Provision of a free appropriate public education.
- (e)** Provision of appropriate Part C services to the child or the child's family.
- (f)** Assignment of financial obligations for Part C services to the parents.
- (g)** Determination that behavior was not a manifestation of the student's disability.
- (h)** Determination of an appropriate interim alternative educational setting by the individualized education program team.
- (i)** Placement in an interim alternative setting for not more than 45 days for a student who may demonstrate potential harmful or injurious behavior to himself, herself, or others.

**(4)** The district of residence or public school academy shall reimburse the special education hearings unit 75% of the costs related to providing the hearing.

**(5)** The hearing may be terminated upon written stipulation of the public agency and the parent. A copy of the stipulation to terminate shall be provided to the hearing officer and to the special education hearings unit.

**(6)** The special education hearings unit shall notify the parties of their responsibilities to provide proof of implementation of any decision or order issued to resolve a due process hearing request initiated under this rule.

**(7)** Any party who is aggrieved by the final decision in a hearing conducted under this rule may appeal to a court of competent jurisdiction within 60 days after the date of the final decision.

**R 340.1726b Special education hearings unit.**

**Rule 26b. (1)** The hearing shall be conducted by an administrative law judge who is an attorney licensed to practice law in this state and who is employed by the special education hearings unit as a classified employee subject to civil service requirements.

**(2)** The special education hearings unit shall provide periodic training to hearing officers, as needed, regarding the following:

- (a)** Administrative law and procedures.
- (b)** Special education law, rules, and regulations.
- (c)** Needs of students with disabilities.
- (d)** Diagnostic testing.
- (e)** Educational testing.
- (f)** School programming and operations.

- (g) Educational accommodations.
- (h) Presiding officer ethics, skills, authority, and duties.
- (3) The special education hearings unit shall do all of the following as a part of its responsibility to provide hearings under R 340.1726:
  - (a) Inform the parties to a special education hearing of the availability of mediation.
  - (b) Inform the parent of any free or low-cost legal and other relevant services available in the area.
  - (c) Provide the parent with a copy of the procedural safeguards.
  - (d) Make available to the public and to the parties in any special education hearing a statement of the participants' roles and responsibilities and a description of the hearing process.
  - (e) Make available to the public a statement of the ethical rules governing the conduct of hearing officers.
  - (f) Develop and make available to the parties general statements of matters such as the burden of proof, legal standards or analyses, and the elements of proof necessary to support claims or defenses commonly raised in special education due process hearings.
  - (g) Assign hearing officers to individual cases.
  - (h) Arrange for a location, transcription, and any other services required for a hearing.
  - (i) Transmit decisions to special education advisory committee with personally identifiable information deleted.

**R 340.1726c State hearing officer; duties.**

**Rule 26c.** Hearing officers employed by the special education hearings unit shall do all of the following:

- (1) Manage, schedule, and control the hearing process and participants to resolve the dispute in a prompt, orderly, and fair manner.
- (2) Conduct a prehearing conference unless the hearing officer determines that a prehearing is unnecessary and makes that determination a part of the hearing record. A prehearing conference may be conducted in person, telephonically, or by other means consistent with the parties' needs. The hearing officer may require the participants in the prehearing conference to do any of the following:
  - (a) Identify and simplify the issues.
  - (b) Consider the need for disposition of any motions before the hearing, admissions of fact and authenticity of documents to avoid unnecessary proofs, limit the number of witnesses, and identify the nature and extent of the relief demanded.
  - (c) Inform the parties of the availability, if any, of statements of the legal standards, elements of proof, and burden of proof relevant to the claims and defenses asserted.
  - (d) Identify known documentary evidence and admit its authenticity, if possible.
  - (e) Prepare a list of witnesses to be called at the hearing.
  - (f) Determine a schedule for the completion of any prehearing matters including disclosure of witness names and exhibit exchange, time limits, meetings, evaluations and the hearing.
  - (g) Make any disclosures of interest or relationships that may require a representative, a witness or the hearing officer to withdraw, recuse, or be disqualified on ethical or conflict of interest grounds.
  - (h) Discuss the possibility of settlement.
  - (i) Consider all other matters that may aid the disposition of the disagreement.
- (3) Prepare and provide to the parties a summary of the results of the prehearing conference within 5 days after the prehearing conference.
- (4) Rule, as a part of the hearing record, on a party's request for disqualification of the hearing officer. If the hearing officer denies the request based on disputed factual assertions, then the hearing officer shall immediately refer the disqualification matter to another hearing officer within the special education hearings unit for review and determination.

- (5) Provide written notice of the time and location of the hearing.
- (6) Direct that the hearing be public or private at the option of the parents.
- (7) Administer oaths or affirmations.
- (8) Preside at the hearing and actively participate to ensure a fair, orderly, and full development of the evidence relevant to the claims and defenses asserted.
- (9) Rule on objections to the conduct of the hearing and to the introduction of evidence and give effect to the rules of privilege.
- (10) Render a legally sufficient written decision supported by a preponderance of the evidence, in a format acceptable to the special education hearings unit, resolving the matters in dispute within the time period required by the applicable law, regulation, or interagency agreement.
- (11) Conduct and accept peer editorial review of draft decisions as required by the special education hearings unit.
- (12) Complete all reports, records, statements, and correspondence related to completion of a hearing or otherwise required by the special education hearings unit.
- (13) Develop, present, and participate in training for hearing officers, advocates, parents, administrators, and service providers as assigned by the special education hearings unit.
- (14) Research matters that the hearing officer finds necessary to resolve issues presented in a hearing or that has been assigned by the special education hearings unit.
- (15) Review, hear, and reach a written determination on any motion for disqualification that is referred to the hearing officer for review pursuant to subrule (4) of this rule.

**R 340. 1726d State hearing officer; power and authority.**

**Rule 26d. (1) A hearing officer is authorized to do any of the following:**

- (a) Sequester witnesses at any party's request.
- (b) Sign and issue subpoenas compelling witness attendance and testimony or production of documentary or physical evidence on the hearing officer's own initiative or at the request of a party.
- (c) Determine the order of proofs.
- (d) Accept stipulations of fact and base statements of fact on such stipulations.
- (e) Order an evaluation at public expense of a person that is the subject of the hearing.
- (f) Take official notice of judicially cognizable facts.
- (g) Admit and give probative effect to evidence of a type commonly relied upon by reasonably prudent people in the conduct of their affairs in a non-jury civil trial, and shall provide guidance to the hearing officer regarding evidentiary questions.
- (h) Exclude irrelevant, immaterial, or unduly repetitious evidence.
- (i) Bar evidence or testimony, upon the request of the opposing party, that was not timely disclosed as required by applicable law or regulation or by the schedule determined at the prehearing conference.
- (j) Subpoena and call witnesses on the hearing officer's own initiative.
- (k) Question any sworn witness at the hearing before any party questions the witness, after the parties complete their initial examination of the witness or, to the extent necessary to clarify the hearing officer's understanding of the witness' testimony, at any time during the hearing.
- (l) Limit the number of expert witnesses to be called on an issue.
- (m) Require that conflicting experts address the issue or issues on the record.
- (n) Require each party to nominate 1 suitable expert regarding an issue for which expert testimony may be elicited. From those nominated, the hearing officer may select 1 expert to be called by the hearing officer as the sole expert witness to testify on the issue. The hearing officer's selection of the expert shall be based on expertise, neutrality, availability, and economy. The cost of the expert shall be borne equally by the special education hearings unit and each of the parties.
- (o) Take a view of any relevant location.

(p) Permit taking of evidence by deposition, by telephone, by video conferencing, or other similar mechanisms.

(q) Except in hearings initiated pursuant to R 340.1726(a)(3)(g),(h), or (i), grant a party's request for a specific extension of the time limit for completion of a hearing. The hearing officer shall require the parties to establish good cause for the extension. The hearing officer may require submission of documentation to establish the need for the extension and may require attorneys or non-attorney advocates requesting an extension to establish their client's knowledge of the request. The hearing officer may provide written notice directly to the parties of any extension requested and the grounds for the request, as well as of the hearing officer's written determination to grant or deny a request for an extension. The hearing officer may condition the grant of an extension of the time limit on any other just terms.

(r) Require the parties to file 1 or more additional copies of all documents filed with the special education hearings unit and may direct that 1 additional copy be filed with all personal identifiers deleted.

(s) Impose, at the request of a party or on the hearing officer's own initiative, sanctions on any party, attorney, or non-attorney advocate who:

(i) Fails to comply with these rules or any proper order or requirement specified by the hearing officer.

(ii) Engages in ex parte communication.

(iii) Disrupts a hearing.

(t) Sanctions may include:

(i) Imposition of costs or disallowance of recovery of costs.

(ii) Dismissal of an issue, claim, defense, or the hearing.

(iii) Order compensatory education

(iv) Any other sanction authorized by law.

### PART 3. ADMINISTRATION OF PROGRAMS AND SERVICES

#### **R 340.1746 Homebound and hospitalized services.**

**Rule 46.** ~~Specific requirements for~~ **The following** homebound and hospitalized services are as follows **required**:

(a) Homebound services shall be initiated within 15 school days after verification, by a licensed physician, of a medical impairment which requires the eligible special education student to be confined to the home. Such verification shall indicate the anticipated duration of the required confinement.

(b) Hospital service shall be provided for eligible special education students who cannot attend school because of hospitalization for a physical or medical impairment. These services shall be initiated when determined medically feasible.

(c) A special education teacher employed for homebound or hospital services, or for a combination of these services, shall be assigned not more than 12 students at any 1 time.

~~(d) Progress reports for each person shall be recorded pursuant to the intermediate school district plan.~~

~~(d)(e)~~ Students receiving homebound or hospital services shall receive a minimum of 2 nonconsecutive hours of instruction per week. Related services personnel may supplement, but not substitute for, the teacher's instruction.

~~(e)(f)~~ ~~It is the responsibility of~~ The district in which the hospital is located ~~to~~ **shall** make homebound and hospital services available to eligible students. If the student is hospitalized outside of the district of residence, the district of residence is responsible for delivering services or for contracting with the operating district and making payment for the services.

~~(f)(g)~~ Homebound and hospitalized services shall not be substituted for special education programs. **Rather Instead**, the service provider shall endeavor, to the extent appropriate, to present curricular experiences which are being provided in the program where the student is currently enrolled.

#### **R 340.1756 Programs for students with severe language impairment.**

**Rule 56.** (1) A public agency may establish programs for students with severe language impairment. Specific requirements for these programs are as follows:

(a) A program for students with severe language impairment conducted by a teacher of programs for students with speech and language impairment shall serve only young children with disabilities or developmental delay or elementary students with severe language impairment.

(b) The program shall have not more than 10 students or young children with speech and language impairment in the classroom at any 1 time, and the teacher shall have responsibility for the educational programming for not more than 15 different children.

~~(2) Students or young children with speech and language impairment eligible for this program are those with a severe disability in the comprehension or expression of language as determined through the manifestation of all of the following characteristics which adversely affects educational performance:~~

~~— (a) Demonstration of functioning within or above normal intellectual potential as measured by instruments that do not rely exclusively on oral direction or oral expression.~~

~~— (b) Test results on not less than 2 standardized assessment instruments or 2 subtests designed to determine language functioning which clearly show language functioning not appropriate for the child's mental age.~~

~~— (c) Oral language at less than the expected level based on the child's mental age in not less than 2 of the following areas:~~

~~— (i) Phonology.~~

~~— (ii) Morphology.~~

~~— (iii) Syntax.~~

~~— (iv) Semantics.~~

~~— (v) Pragmatics.~~

(2)(3) The programs for students with severe language impairment are not designed for children whose language impairment is primarily the result of autism spectrum disorder or cognitive, emotional, hearing, visual, physical, or other health impairments as defined in part 1 of these rules.

**R 340.1757 ~~Other related educational services for s~~Students placed in juvenile detention facilities.; other educational services.**

**Rule 57.** All of the following provisions are specific requirements for educational services conducted for students placed in juvenile detention facilities:

(a) Programs shall be initiated within 5 calendar days after admission. If a student placed in a juvenile detention facility is suspected of having a disability, then the procedure outlined in part 2 of these rules shall be immediately followed.

(b) Notification of educational placement shall be sent to the superintendent of the district of residence within 5 school days after the date of entry of a student into the educational program in a juvenile detention facility.

(c) Education reports for each student educated in a juvenile detention facility shall be sent by certified mail to the superintendent of the district of residence, ~~with the consent of the parent,~~ within 5 school days from the date of release from the facility.

(d) Special education reimbursed personnel may provide educational services for students who do not have disabilities and who are placed in the facility, if the programs comply with both of the following provisions:

- (i) They are under the supervision of a teacher approved in the area of emotional impairment.
- (ii) They have not more than 10 students in a class at any 1 time.

## PART 5. QUALIFICATIONS OF TEACHERS AND OTHER PERSONNEL

### **R 340.1781 Teachers of students with disabilities; endorsement requirements.**

**Rule 81.** (1) A teacher seeking an endorsement or full approval by the state board of education or its designee shall meet all of the following ~~general skill~~ requirements, in conjunction with those of R 340.1782, **R 340.1786** to R 340.1788, **R 340.1790**, R 340.1795 to R 340.1797, and R 340.1799 to R 340.1799~~dc~~, before being employed by an intermediate school district, local school district, public school academy, or other agency operating special education programs and services:

- (a) Theoretical foundations as follows:
  - (i) Understanding of human growth and development, which shall include all of the following:
    - (A) Typical and atypical development.
    - (B) Stages from conception to death.
    - (C) Affective, language, cognitive, and sensorimotor areas.
    - (D) Factors influencing development, including physiological, social, physical environment, and psychological.
  - (ii) Understanding of learning and teaching theories.
  - (iii) Knowledge of construction, interpretation, application, and limitation of standardized and nonstandardized assessment procedures.
  - (iv) Knowledge of disabilities and their educational implications.
- (b) Curriculum and instruction as follows:
  - (i) Understanding of curriculum design and instructional strategies.
  - (ii) Understanding of, and ability to adapt to, general and special curriculum and instructional strategies to meet individual learning styles.
- (c) Special education instructional systems as follows:
  - (i) Knowledge of program delivery systems, including all levels of service.
  - (ii) Understanding of individual and group management structures.
  - (iii) Understanding of effective use of school and outside resources in creating a positive learning environment.
  - (iv) Understanding a variety of systems for reporting and evaluating the effectiveness of an individual student's program.
  - (v) Understanding of the child study/team planning process.
  - (vi) Ability to translate comprehensive assessment data reflecting the student's current level of functioning into an individualized education program.
  - (vii) Understanding of how adaptive technology may be used to enhance the education of students with disabilities.
- (d) Communication/consultation as follows:
  - (i) Knowledge of institutional and administrative factors that facilitate or impede delivery of services.
  - (ii) Ability to effectively communicate the needs and rights of students with disabilities.
  - (iii) Ability to use interpersonal skills when working with parents, professionals, agencies, students, and other persons or groups.
  - (iv) Understanding the roles and organizational structures of general and special education and the part they play in providing total service for the student.
  - (v) Ability to serve in a consultative capacity with individuals and groups, including parents and students.
  - (vi) Ability to supervise and work with teacher aides, volunteers, and paraprofessionals.
- (e) Organizational, historical, and legal factors as follows:
  - (i) Knowledge of state and federal laws, rules, and regulations.
  - (ii) Understanding of due process and data privacy requirements.
  - (iii) Knowledge of historical and philosophical background of the education of students with disabilities and knowledge of attitudes toward students with disabilities.



- ~~—(iv) Understanding of how to identify and access resources relevant to students with disabilities.~~
- ~~—(f) Abilities basic to all special education preparation as follows:~~
- ~~—(i) Ability to observe, analyze, and describe the instructional strategies being applied in an educational situation.~~
- ~~—(ii) Ability to function as a member of a team in designing appropriate educational programs for students with disabilities.~~
- ~~—(iii) Ability to apply team designed strategies in an educational setting.~~
- ~~—(iv) Ability to design and apply instructional strategies in an educational setting, including time management techniques.~~
- ~~—(v) Ability to identify and use nonschool resources relevant to students with disabilities.~~
- ~~—(vi) Ability to assess results of instruction.~~
- ~~—(vii) Understanding of personal adjustment, prevocational and vocational needs, and opportunity for students with disabilities.~~
- ~~—(viii) Ability to understand basic behavioral management concepts and demonstrate ability to develop, implement, and incorporate appropriate behavioral management techniques.~~
- ~~—(ix) Understanding of preadolescent behavior.~~
- ~~—(x) Understanding of adolescent behavior.~~

**(a) The requisite knowledge, understanding, skills, and dispositions for effective practice related to all of the following:**

- (i) Utilizing research-based models, theories, and philosophies for teaching students with an array of disabilities within different placements.**
- (ii) Assessing students with disabilities for identification and teaching.**
- (iii) Implementing accommodations and modifications for classroom, district, and statewide assessments.**
- (iv) Using assistive technology devices to increase, maintain, or improve the capabilities of students with impairments.**
- (v) Communicating, consulting, and collaborating with parents/guardians, paraprofessionals, general educators, administrators, and human services personnel.**
- (vi) Developing, implementing, and evaluating individualized education programs.**
- (vii) Planning, organizing, scheduling, and conducting individualized education program team meetings, including parental and student participation.**
- (viii) Preparing students with disabilities for transitions consisting of preschool to elementary through post-secondary environments and employment.**
- (ix) Maintaining, releasing, and transferring student records according to district, state, and federal rules and policies.**
- (x) Articulating the historical and legal bases regarding special education, such as the concept of free appropriate public education, general least restrictive environment requirements, and family education and privacy rights.**

**(b) Understanding issues of race, class, culture, religion, gender, orientation, and language related to subdivision (a) of this subrule.**

#### **R 340.1782 Endorsed teachers of students with disabilities; additional requirements.**

**Rule 82.** An endorsed teacher of students with disabilities, in addition to meeting the specific requirements set forth in R 340.1786 to R 340.1788, R 340.1795 to R 340.1797, and R 340.1799 to R 340.1799c, shall comply with all of the following requirements:

- (a) Possess a valid Michigan teacher's certificate.**
- (b) Possess a baccalaureate degree with a major in a specific special education area or have earned credit in course work equivalent to that required for a major.**
- (c) Possess an endorsement in special education that is valid in grades kindergarten through 12. Elementary or secondary endorsements in special education, earned after September 1, 1990, shall be valid in grades kindergarten through 12.**

(d) Have completed not less than 8 weeks of directed student teaching in the specific area of impairment. Not less than a 180-hour practicum in the specific area of impairment is required for each additional endorsement.

(e) Be recommended for a certificate or endorsement, or both, in a specific special education area by an institution of higher education or the department signifying verification of completion of a teacher education program for the specific special education area, as approved by the state board of education. ~~The recommendation shall verify that the teacher possesses all of the following in addition to having completed course work that includes the general skill requirements listed in R 340.1781:~~

- ~~— (i) Personal maturity.~~
- ~~— (ii) Emotional stability.~~
- ~~— (iii) Ability to teach.~~
- ~~— (iv) Other leadership capacities.~~
- ~~— (v) Apparent potential for growth in creative teaching.~~

(f) On the effective date of these rules, persons approved as special education teachers under this rule, teacher consultants under R 340.1790, and teachers of preprimary-aged students under R 340.1795 shall maintain and continue to have their full approval status.

#### **R 340.1783a Early childhood special education teacher; full-year permit.**

**Rule 83a.** (1) The department may issue a permit when a properly certificated teacher, under R 340.1795, is unavailable for a regular teaching assignment for children with disabilities or developmental delay, as defined in R 340.1711.

(2) An application for a permit shall contain evidence that the candidate has a baccalaureate degree or higher, including 15 semester or equivalent hours of appropriate professional education credit.

(3) The permit is effective through June 30 of the school year for which the permit is issued **and may not be renewed for the same individual.**

#### **R 340.1786 Teachers of students with cognitive impairment; special requirements.**

**Rule 86.** (1) The teacher education program for teachers of students with cognitive impairment shall include a minimum of 30 semester or equivalent hours **pursuant to R 340.1781, R 340.1782, and** ~~The teacher education program for teachers of students with cognitive impairment shall include all of the following:~~

~~— (a) A minimum of 12 semester or equivalent hours of special skills and knowledge necessary for working with students with cognitive impairment, including all of the following:~~

- ~~— (i) The nature of cognitive impairment.~~
- ~~— (ii) Differential curriculum development and teaching techniques.~~
- ~~— (iii) Basic components of language development.~~
- ~~— (iv) The basic sensory-neural system and its relationship to learning and development.~~
- ~~— (v) Classroom management techniques.~~

~~— (b) A minimum addition of 10 semester or equivalent hours in the development of competency in the following areas:~~

- ~~— (i) Ability to observe and assess students, including all of the following:~~
  - ~~— (A) The nature of mental deficiency.~~
  - ~~— (B) Differential curriculum.~~
  - ~~— (C) Development and teaching techniques.~~
  - ~~— (D) Basic components of language development.~~
  - ~~— (E) The basic sensory-neural system and its relationship to learning and development.~~
  - ~~— (F) Classroom management techniques.~~
- ~~— (ii) Ability to provide instruction and guidance to students with cognitive impairment in all of the following areas:~~
  - ~~— (A) Self-help skills.~~
  - ~~— (B) Prevocational and vocational skill training.~~
  - ~~— (C) Recreation and leisure activities.~~

- (iii) Ability to understand physical, sensory, and health-related problems and their impact on learning and development, including the understanding and appropriate use of medical information.
- (iv) Ability to guide and counsel students with cognitive impairment regarding all of the following:
  - (A) Human sexuality.
  - (B) Home, family, and community living.
  - (C) Use of local, state, and national resources.
- (v) Ability to understand and utilize basic behavioral management concepts and techniques to meet the unique needs of students with cognitive impairment.
- (vi) Ability to organize and manage an educational environment and schedule for a group of students with cognitive impairment, including the understanding of the functions and role of the teacher as educational team leader and the role and function of related services personnel and aides.
- (vii) Ability to instruct and reinforce a program of communication skills and techniques, both verbal and nonverbal, as deemed appropriate for the student.
- (viii) Ability to utilize community resources and a variety of community settings and activities in the planning and implementation of an educational program for a student with cognitive impairment.
- (2) A teacher with an endorsement in mentally impaired is qualified to teach students with cognitive impairment.
  - (a) The identification, classification, legislation and policies, historical perspectives, and levels of support for students with cognitive impairment.
  - (b) The nature and character of cognitive impairment and its unique impact on the following areas of human development:
    - (i) Social.
    - (ii) Emotional.
    - (iii) Language/communication.
    - (iv) Physical.
    - (v) Motor.
    - (vi) Sensory.
    - (vii) Learning, behavior, and health related problems.
  - (c) The promotion of individualized participation in age appropriate environments; within the school and community.
  - (d) Assessing, teaching, and modifying instruction and curricula for students with cognitive impairment related to all of the following:
    - (i) Using research-based strategies and techniques for developing language and communication abilities and skills of students with cognitive impairment to promote the development of language, reading, writing, spelling, calculating, and thinking.
    - (ii) Selecting, adapting, and developing specialized or general education curricula, assessments, accommodations, and instructional materials for students with cognitive impairment that is aligned with the general curriculum.
    - (iii) Planning and implementing instruction in settings across domains, including community, personal/social, sexuality, career/employment, and leisure/recreation.
    - (iv) Assessing, implementing, and supporting all levels of assistive technology for individual students.
    - (v) Developing and maintaining collaborative relationships and partnerships with parents/families, educators, administrators, consultants, and community service providers.
    - (vi) Developing individualized goals for students with cognitive impairment related to social relationships, cultural competence, self-determination, and transitions to postsecondary training, career/employment, and community integration.
  - (e) Issues related to cognitive impairment theory, research, and policy, including definition and identification; legislation and regulations; prereferral, referral and placement; instruction and assessment of educational progress for students with cognitive

impairment; and, collaboration with general education teachers, families, and allied service providers.

**(2) The 30 semester or equivalent hours shall be distributed to prioritize preparation, including pre-student teaching practice, in assessing, teaching, and modifying instruction for students with cognitive impairment.**

**R 340.1787 Teachers of students with emotional impairment; special requirements.**

**Rule 87. (1)** The teacher education program for teachers of students with emotional impairment shall include 30 semester or equivalent hours pursuant to R 340.1781, R 340.1782, ~~in~~ **and** all of the following areas:

~~— (a) Four to 6 semester or equivalent hours of child growth and learning theory, including dynamics of human behavior, individual differences, adolescent psychology, learning theory, and psychological information, both individual and group.~~

~~— (b) Four to 6 semester or equivalent hours of environmental information, including sociological, cultural, economic information; special services and guidance programs in the school and community; organization of the school; characteristics of groups; and social organization and structure.~~

~~— (c) Six to 10 semester or equivalent hours of educational and special methods, including education of students with special problems, theory and methods of teaching social skills and students with emotional impairment, reading methods, instructional materials, and creative and other activities especially adapted to the education of students with psychological and physiological learning difficulties.~~

~~— (d) Six to 12 semester or equivalent hours of special skills and techniques in all of the following areas:~~

~~(i) Understanding personality deviation, including abnormal psychology.~~

~~(ii) Theory of maladjustment.~~

~~(iii) Counseling and interview techniques.~~

~~(iv) Interpretation of psychological data.~~

~~(v) Work in parent counseling.~~

~~— (e) Six to 10 semester or equivalent hours of application and experience, including supervised observation, with students with emotional impairment, a seminar in interdisciplinary approach, group dynamics, and interpretation of psychiatric techniques.~~

~~— (f) Two to 4 semester or equivalent hours in evaluation and research methods.~~

**(a) The identification, etiology, diagnosis, characteristics, classifications of emotional impairment, including psychiatric terminology and research-based models.**

**(b) The impact of various factors upon the lives and behavior of students with emotional impairment and their families, such as the legal system, socioeconomic factors, abuse and dependency, and mental health disorders.**

**(c) Assessing, teaching, and modifying instruction and curricula for students with emotional impairment related to all of the following:**

**(i) Developing, implementing, and evaluating individualized behavior management strategies and plans.**

**(ii) Adapting, accommodating, and modifying the general education curricula, pedagogy, and learning environments for students with emotional impairment.**

**(iii) Integrating academic instruction and curriculum with affective educational strategies for students with emotional impairment.**

**(iv) Collaborating with parents and service providers in educational, public, and private agencies to support students with emotional impairment.**

**(v) Assessing students with emotional impairment related to collecting indirect and direct data on academic, social, and emotional functioning of students in order to develop reports and design, manage, and monitor interventions.**

**(d) Research and understand policy issues regarding emotional impairment and behavioral disorders that impact identification, service delivery, outcomes, placement, academic, affective, and behavioral interventions.**

**(2) The 30 semester or equivalent hours shall be distributed to prioritize preparation, including pre-student teaching field experiences in assessing, teaching, and modifying instruction related to subdivisions (a) to (d) of this subrule for students with emotional impairment.**

**R 340.1788 Teachers of students with learning disabilities; special requirements.**

**Rule 88. (1)** The teacher education program for teachers of students with learning disabilities shall include a minimum of 30 semester or equivalent hours ~~relating to~~ **pursuant to R 340.1781, R 340.1782, and** all of the following areas:

- ~~— (a) Four semester or equivalent hours of child growth and learning theory, including dynamics of human behavior, individual differences, adolescent or child psychology, learning theory, and psychological information.~~
- ~~— (b) Six semester or equivalent hours of special skills and techniques in understanding learning problems, including development of language as it relates to reasoning, thinking, speaking, reading, writing, and spelling; remediation techniques for auditory and visual discrimination problems; development of perceptual skills; and understanding the dynamics of student teacher relationships, environment, and program planning.~~
- ~~— (c) Six semester or equivalent hours in the development of competence in all of the following areas:~~
  - ~~— (i) Ability to carry out suitable procedures for assessment of the student's listening, thinking, talking, reading, spelling, writing, arithmetic, or other skill deficiencies.~~
  - ~~— (ii) Ability to specify, in behavioral terms, instructional objectives that are appropriate to the skill needs and entry level characteristics of the individual student.~~
  - ~~— (iii) Ability to select systems of instruction and learning conditions that are likely to be most effective for ameliorating the learning disabilities presented by each student.~~
  - ~~— (iv) Ability to set up and maintain conditions and procedures of instruction suitable to the learning goals set for the individual student.~~
  - ~~— (v) Ability to assess instructional outcomes in terms of the student's behavior change and use this data in formulation of an ongoing instructional plan adjusted to changed student conditions.~~
  - ~~— (vi) Ability to use appropriate techniques with the student to help develop the self-management skills required for constructive social participation and independent learning.~~
  - ~~— (vii) Ability to function as a member of interdisciplinary teams and maintain effective liaison with parents and others working with the student.~~

**(a) The identification of learning disabilities including diagnostic principles and practices; the etiology and characteristics of learning disabilities; sociocultural, linguistic, and environmental factors influencing identification; and the relationship between learning disabilities and other commonly associated conditions.**

**(b) The common manifestations of learning disabilities across the age span, including challenges in meeting developmental milestones in the preschool years, problems with academic performance in literacy, math, and content areas across the K-12 spectrum, issues of strategic performance and self-determination in older students, and the interplay between cognition and psychosocial functioning.**

**(c) Assessing, teaching, and modifying instruction and curricula for students with learning disabilities across the K-12 continuum related to all of the following:**

**(i) Administering and adapting formal and informal assessment methods for the purposes of instructional planning, and communicating assessment results to students, their families, and other professionals.**

**(ii) Developing and implementing instructional and curricular goals; monitoring and reporting the progress related to the unique needs of students with learning disabilities, including career/transition programs and access to adult role models, and use of assistive technology.**

**(iii) Fostering competency in the areas of reading (word recognition and comprehension), writing (text composition and revision, grammar, spelling, and legibility), mathematical reasoning and calculation, listening, and speaking.**

(iv) Fostering study skills and test-taking skills, self-management, problem solving, reasoning, coping skills, and self-determination.

(v) Adapting and modifying general education curricula, pedagogical approaches, and learning environments for students with learning disabilities.

(vi) Managing and monitoring the social, emotional, and behavioral needs of students with learning disabilities in a variety of group settings.

(d) Issues related to learning disabilities theory, research, and policy, including definition and identification; legislation and regulations; pre-referral, referral and placement; instruction and assessment of educational progress for students with learning disabilities; and, collaboration with general education teachers, families, and allied service providers.

(2) The 30 semester or equivalent hours shall be distributed to prioritize preparation, including pre-student teaching field experiences in assessing, teaching, and modifying instruction related to subdivisions (a) to (d) of this subrule for students with learning disabilities.

#### **R 340.1799 Teachers of students with autism spectrum disorder; special requirements.**

**Rule 99.** The teacher education program for teachers of students with autism spectrum disorder shall include a minimum of 30 semester or equivalent hours pursuant to R 340.1781, R 340.1782, relating to and all of the following areas:

~~— (a) Autism spectrum disorder, including its etiology.~~

~~— (b) Child development, with special emphasis on language, communication, and cognitive development.~~

~~— (c) Behavioral intervention techniques.~~

~~— (d) Systematic curriculum development, with special emphasis on personal adjustment and prevocational education.~~

~~— (e) Home/school interactions.~~

~~— (f) Family and community support services.~~

(a) The identification, diagnosis criteria and classification, etiology, diagnosis, range, and characteristics of autism spectrum disorder, for example, learning characteristics, sensory integration patterns, and medications commonly used with autism spectrum disorders including effects.

(b) The role of language and communication including traits, characteristics, and interventions related to autism spectrum disorder, for example, pragmatic functions of communications and language such as the relationships of communication, language, behavior, and social skills; expressive and receptive language development and patterns; effects of medication on language; developing communication systems such as alternative and augmentative communication systems and assistive technology across environments.

(c) Using behavioral supports and intervention: behavior as communication; sensory needs and impact on behavior: team-based behavior assessments, intervention, and evaluation; designing environments for preventing sensory overload; and, developmentally appropriate behavior such as coping and self-regulating behavior.

(d) Assessing, teaching, and modifying instruction and curricula for students with autism spectrum disorder related to all of the following:

(i) Aligning and adapting the student's program with the general education curriculum.

(ii) Using a range of curriculum guides to assist with identifying functional goals.

(iii) Employing current assessment instruments and approaches, intervention methodologies, strategies, and techniques that are appropriate for students with autism spectrum disorder, and consistently linking assessment outcomes to curriculum planning.

(iv) Understanding and using various data keeping systems to record progress and evaluate intervention.

(e) Collaborating with parents and service providers, including paraprofessionals, in educational, public, and private agencies to support students with autism spectrum disorder; and, the impact of the legal system, socioeconomic factors, mental health

disorders, resources for independent living, recreation, and vocational education on the lives and behavior of students with autism spectrum disorder and their families.

(f) Issues related to autism spectrum disorder theory, research, and policy, including definition and identification; legislation and regulations; prereferral, referral and placement; instruction and assessment of educational progress for students with autism spectrum disorder, and collaboration with general education teachers, families, and allied service providers.

(2) The 30 semester or equivalent hours shall be distributed to prioritize preparation, including pre-student teaching practice, in assessing, teaching, and modifying instruction for students with autism spectrum disorder.

**R 340.1799a Teachers of students with physical impairment and students with other health impairment; special requirements.**

**Rule 99a. (1)** The teacher education program for teachers of students with physical impairment and students with other health impairment shall include a minimum of 30 semester or equivalent hours **pursuant to R 340.1781, R 340.1782,** ~~The teacher education program for teachers of students with physical impairment and students with other health impairment shall include both and all of the following:~~

~~— (a) A minimum of 12 semester or equivalent hours of special skills and techniques for working with students with physical impairment and students with other health impairment, including all of the following:~~

~~— (i) Medical aspects of temporary and permanent physical disabilities of a wide variety.~~

~~— (ii) Impact of neurological impairments and cognitive impairments on learning.~~

~~— (iii) Equipment and techniques of physical management of students with physical impairment and students with other health impairment.~~

~~— (iv) Methods and materials for training, observation, and assessment of students with physical impairment and students with other health impairment, including techniques for nonvocal communication.~~

~~— (b) A minimum of 10 semester or equivalent hours in the development of competence in all of the following areas:~~

~~— (i) Ability to work as a member of a multidisciplinary evaluation team which includes medical and paramedical personnel and to supervise paraprofessional personnel.~~

~~— (ii) Ability to develop and implement an instructional plan for students, including those confined to home or a hospital.~~

~~— (iii) Ability to explain the condition of the student and the condition's impact on learning and to serve as a resource person for students with physical impairment and students with other health impairment within general and special education classes.~~

~~— (iv) Ability to counsel students regarding all of the following:~~

~~— (A) Human sexuality.~~

~~— (B) Home, family, and community living.~~

~~— (C) Career selection.~~

~~— (D) The use of local, state, and national resources.~~

~~— (v) Ability to develop, implement, and reinforce special instruction in all of the following life skill areas:~~

~~— (A) Self-help skills.~~

~~— (B) Recreation and leisure time activities.~~

~~— (C) Community transportation and mobility.~~

~~— (D) Use of personal aids.~~

~~— (vi) Ability to understand the role and function of related service personnel and to work in conjunction with them in the development and implementation of special instructional programs or techniques necessary for students with physical impairment and students with other health impairment.~~

~~— (vii) Ability to observe and assess students with physical impairment and students with other health impairment through the use of formal and informal tools and techniques.~~

~~—(viii) Ability to work intensively and extensively with parents of students, both as a home instructor for infants and their parents and as a liaison between the educational agencies and the home.~~

**(a) The identification, etiology, diagnosis, and classification of physical, neurological, and other health impairment.**

**(b) Understanding of human anatomy and physiology; medical terminologies; the types and transmission of infectious and communicable diseases; physical effects of medications; the nature of medical interventions and treatment of physical and other health impairment; and, do-not-resuscitate orders in educational settings per school policies.**

**(c) The impact upon student learning and development (behavioral, cognitive, social, and emotional development) of physical, neurological, and other health impairment, including the impact of chronic and terminal illness and emergency/life threatening situations.**

**(d) Assessing, teaching and modifying instruction and curricula for students with physical, neurological, and other health impairment related to all of the following:**

**(i) Administering, adapting, and modifying formal and informal assessments of learning for students with physical, neurological, and other health impairments.**

**(ii) Adapting and modifying the teaching and learning environment to accommodate the diverse needs of students with physical, neurological, and other health impairment.**

**(iii) Developing learning and instructional plans, designing learning sequences and opportunities in differing educational settings and placements.**

**(iv) Monitoring student progress and making appropriate modifications to instructional and educational methods as needed by students with physical, neurological, and other health impairment, including selecting, adapting, and using specialized materials and instructional strategies to maximize learning.**

**(v) Selecting, adapting, implementing and designing classroom settings and physical arrangements to facilitate and enhance opportunities for students to participate, interact, and learn with all students and adults in both special and general educational settings including individual, group, and shared projects, in and after school such as recreational activities; organizing and managing different needs and support services for individual and groups of students with quite different physical; neurological and other health impairment in all educational settings considering safety, as well as maximizing and fostering interactive inclusive opportunities for students.**

**(vi) Developing curricular and instructional plans and activities related to all of the following:**

**(A) Daily living, self management of personal, and health care needs, sexuality, independent living, vocational/career transition, recreation/leisure, and mobility/transportation.**

**(B) Advocacy/legal issues.**

**(vii) Communicating student progress, performance, health issues and other school-related information to students, families, and other educational and medical professionals.**

**(e) Managing, monitoring, and assisting as permitted by school policy and law in health care procedures; the use of orthotic, augmentative, and other supportive equipment; specialized technology and software; adapted switches/other access devices and environmental controls; and, student and teacher safety in transferring, lifting, and seating which enhances the student's and teacher's safety, comfort, and function.**

**(f) Issues related to physical, neurological, and other health impairments in research; their impact on learning and development; characteristics, definitions, determination, and identification; pre-referral, referral, and placement; laws and policies related to specialized health care in educational settings; teaching and assessing the educational progress of students who have physical, neurological, and other health impairment.**

**(2) The 30 semester or equivalent hours shall be distributed to prioritize preparation and teaching filed experiences in assessing, teaching and modifying instruction related to students with physical, neurological, and other health impairment.**



**R 340.1799g Transition coordinator; requirements.**

**Rule 99g. (1) Full approval as a transition coordinator shall be granted by the department to a person who meets all of the following requirements:**

**(a) A bachelor's or graduate degree in special education or a field related to transition of youth with disabilities into adult life roles. Related fields include, but are not limited to, general and vocational education, vocational rehabilitation, and counseling.**

**(b) A minimum of 3 years of satisfactory teaching experience in special or vocational education at the secondary level; or a minimum of 3 years of satisfactory employment providing transition-related service to individuals with disabilities between the ages of 13 to 26 years. Transition-related services include, but are not limited to, vocational rehabilitation, employment, counseling, independent living, and mental health. A person with a master's degree in special education or field related to transition of youth with disabilities into adult life roles shall be credited with 1 year of employment.**

**(c) Approval under competencies and procedures established by the state board of education.**

**(2) Within 2 years of the effective date of this rule, a person with documented successful experience in providing transition coordination services under the transition services grant for transition shall be approved as a transition coordinator.**

**PART 7.**  
**DEVELOPMENT AND SUBMISSION OF INTERMEDIATE SCHOOL DISTRICTS'**  
**PLANS AND MONITORING**

**R 340.1831 Plan and modification submission.**

**Rule 131.** (1) Each intermediate school district board shall submit an intermediate school district plan for special education to the superintendent of public instruction to become effective when approved by the superintendent of public instruction.

(2) Any intermediate school district plan or subsequent modification approved by the superintendent of public instruction shall be distributed by the intermediate school district to each constituent local school district superintendent, each chief executive officer of a public school academy, and the chairperson of the parent advisory committee within 7 calendar days of the intermediate school district's receipt of approval by the superintendent of public instruction.

(3) Except as provided in subrule (4) of this rule, a plan submitted by an intermediate school district and approved by the superintendent of public instruction shall remain in effect until the intermediate school district submits modifications that the intermediate school district deems necessary to the department and the modifications are approved by the superintendent of public instruction.

(4) The department may require an intermediate school district to modify its plan if, after the effective date of the individuals with disabilities education act amendments of 1997, 20 U.S.C. §1400 et seq., the provisions of that act, its regulations, 34 C.F.R. 300.1, et seq., 1976 PA 451, MCL 380.1 et seq., or these rules are amended, there is a new interpretation of any of these laws or regulations by a public agency or court, or the department finds noncompliance.

(5) If the department requires a modification to the intermediate school district plan under subrule ~~(3)~~(4) of this rule and an intermediate school district's process as set forth in this part does not result in agreement among the intermediate school district, its constituent local school districts, public school academies, and the parent advisory committee regarding the required modification, then the intermediate school district shall submit the required modification. A constituent local school district, public school academy, or the parent advisory committee may file an objection under R 340.1836.